

SENATE BILL 305

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By: **Senator Munson**

Introduced and read first time: January 27, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: March 16, 2010

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Emergency Medical Services Provider Killed in Performance**
3 **of Duty – Flag Benefit for Family**

4 FOR the purpose of requiring the Secretary of State to issue a State flag to the family
5 of a professional or volunteer emergency medical services provider who is killed
6 in the performance of duty; requiring the flag to be presented to the family of
7 the deceased by the State Senator of the legislative district in which the
8 deceased resided or served; and generally relating to emergency medical
9 services providers.

10 BY repealing and reenacting, without amendments,
11 Article – Education
12 Section 13–516(a)(6)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2009 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 1–202(a) and (e)
18 Annotated Code of Maryland
19 (2003 Volume and 2009 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Education**

2 13–516.

3 (a) (6) “Emergency medical services provider” means an individual
4 licensed or certified by the EMS Board as:

5 (i) A cardiac rescue technician;

6 (ii) An emergency medical dispatcher;

7 (iii) An emergency medical technician–basic;

8 (iv) An emergency medical technician–paramedic; or

9 (v) A first responder.

10 **Article – Public Safety**

11 1–202.

12 (a) (1) In this section the following words have the meanings indicated.

13 (2) (i) “Child” means a natural or adopted, legitimate or
14 illegitimate child or stepchild of the decedent.

15 (ii) “Child” includes a child or stepchild born posthumously.

16 (3) “Correctional officer” has the meaning stated in § 8–201(e)(1) of the
17 Correctional Services Article.18 **(4) “EMERGENCY MEDICAL SERVICES PROVIDER” HAS THE**
19 **MEANING STATED IN § 13–516 OF THE EDUCATION ARTICLE.**20 **[(4)] (5)** “Hazardous material” means any substance regulated as a
21 hazardous material under Title 49 of the Code of Federal Regulations.22 **[(5)] (6)** “Hazardous material response team employee” means an
23 employee of the Department of the Environment who is on call 24 hours a day to
24 provide emergency response to a discharge of oil or a release of hazardous material or
25 other emergency response activity.26 **[(6)] (7)** (i) “Law enforcement officer” has the meaning stated in §
27 3–101 of this article.

28 (ii) “Law enforcement officer” includes:

- 1 1. an officer who serves in a probationary status; and
- 2 2. an officer who serves at the pleasure of the appointing
- 3 authority of a county or municipal corporation.

4 **[(7)] (8)** “Performance of duties” includes, in the case of a volunteer

5 or career firefighter, public safety aviation employee, rescue squad member, or

6 hazardous material response team employee:

7 (i) actively participating in fighting a fire;

8 (ii) going to or from a fire;

9 (iii) performing other duties necessary to the operation or

10 maintenance of the fire company;

11 (iv) actively participating in the ambulance, advanced life

12 support, or rescue work of an advanced life support unit or a fire, ambulance, or rescue

13 company, including going to or from an emergency or rescue;

14 (v) providing emergency or rescue assistance, whether acting

15 alone or at the direction of or with a fire, ambulance, or rescue company or advanced

16 life support unit;

17 (vi) actively participating in flight operations as a crew member

18 in a rotary or fixed wing aircraft; and

19 (vii) providing emergency response to a discharge of oil or a

20 release of hazardous material or other emergency response activity.

21 **[(8)] (9)** “Public safety aviation employee” includes a pilot and

22 aviation maintenance technician employed by the State.

23 **[(9)] (10)** “Stepchild” means a child of the surviving spouse who was

24 living with or dependent for support on the decedent at the time of the decedent’s

25 death.

26 (e) (1) The Secretary of State shall issue a State flag to the family of a

27 firefighter, policeman, member of the military, **[or]** sworn member of the office of State

28 Fire Marshal, **OR PROFESSIONAL OR VOLUNTEER EMERGENCY MEDICAL**

29 **SERVICES PROVIDER** who is killed in the performance of duty.

30 (2) (i) Except when the deceased is a member of the military, the

31 flag shall be presented to the family of the deceased by the State Senator of the

32 legislative district in which the deceased resided or served.

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1 (ii) When the deceased is a member of the military, the flag
2 shall be presented to the family of the deceased by the Department of Veterans
3 Affairs.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.